

REMARKS

Claims 1 and 3-11 were pending in this Application as of the Office Action of November 29, 2010, with claims 4-9 having been previously withdrawn. Claim 1 is amended with this Response. The Examiner's and rejection will now be respectfully addressed.

Rejections under 35 U.S.C. §103(a)

Claims 1 and 3 are rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No.4,648,248 to Raymond ("Raymond" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claim 1 recites *inter alia*,

"creating indentations in an entirety of the substantially planar surface of the piece of metal that is bound by said two or more stones."

Applicant first notes that the amendments made to the above quoted element find support at at least Figure 4 of Applicant's disclosure.

Applicant next and respectfully notes that Raymond fails to teach creating indentations in an entirety of a substantially planar surface of a piece of metal that is bound by two or more stones. On the contrary, Raymond teaches a piece of setting metal that is inclusive of a pointed apex as opposed to a planar surface (please see Figures 1 and 6 in particular). Further, there is no surface area bound by the stones of Raymond, and certainly no surface area bound by any stones of Raymond that is or could be provided with indentations over an entirety thereof (please see Figure 6).

For at least the above reasons, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1 and 3 with respect to Raymond.

Claim 11 is rejected under 35 U.S.C. § 103(a) as being obvious over Raymond in view of United States Patent No. 6,668,584 to Tosti (“Tosti” hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claim 11 depends from claim 1. As such, for at least the reasons discussed above, Raymond fails to teach every element of claim 11. In addition, since Tosti fails to remedy the deficiencies of Raymond, any proposed combination of Raymond and Tosti would also fail to teach every element of claim 11. For at least this reason, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claim 11 with respect to the proposed combination of Raymond and Tosti.

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,

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